

104TH CONGRESS
1ST SESSION

S. 1497

To amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 21, 1995

Mr. NICKLES (for himself, Mr. SMITH, Mr. PRYOR, Mr. BOND, Mr. BUMPERS, Mr. INHOFE, Mr. LOTT, Mr. BREAUX, Mr. JOHNSTON, Mr. ABRAHAM, Mr. KEMPTHORNE, Mr. LIEBERMAN, Mr. FAIRCLOTH, Mr. GLENN, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Land Disposal Pro-
5 gram Flexibility Act of 1995”.

6 **SEC. 2. LAND DISPOSAL RESTRICTIONS.**

7 Section 3004(g) of the Solid Waste Disposal Act is
8 amended by adding the following after paragraph (6):

1 “(7) Solid waste identified as hazardous based
2 solely on one or more characteristics shall not be
3 subject to this subsection, any prohibitions under
4 subsection (d), (e), or (f), or any requirement other
5 than any applicable specific methods of treatment
6 promulgated under subsection (m) if the waste—

7 “(A) is managed in a treatment system
8 that subsequently discharges to waters of the
9 United States pursuant to a permit issued
10 under section 402 of the Federal Water Pollu-
11 tion Control Act (commonly known as the
12 “Clean Water Act”) (33 U.S.C. 1342), treated
13 for the purposes of the pretreatment require-
14 ments of section 307 of the Clean Water Act
15 (33 U.S.C. 1317), or managed in a zero dis-
16 charge system that, prior to any permanent
17 land disposal, engages in treatment that is
18 equivalent to treatment required under the Fed-
19 eral Water Pollution Control Act (33 U.S.C.
20 1251 et seq.), as determined by the Adminis-
21 trator;

22 “(B) no longer exhibits a hazardous char-
23 acteristic prior to management in any land-
24 based solid waste management unit;

1 “(C) has met any applicable specific meth-
2 od of treatment promulgated by the Adminis-
3 trator under subsection (m); and

4 “(D) would not generate toxic gases, va-
5 pors, or fumes due to the presence of cyanide
6 at the point of generation when exposed to pH
7 conditions between 2 and 12.5.

8 “(8) The Administrator shall conduct a study
9 of hazardous waste managed pursuant to paragraph
10 (7) to characterize the risks to human health or the
11 environment associated with such management. In
12 conducting this study, the Administrator shall evalu-
13 ate the extent to which risks are adequately ad-
14 dressed under existing State or Federal programs
15 and whether unaddressed risks could be better ad-
16 dressed under such Federal laws or programs. Upon
17 completion of such study or upon receipt of addi-
18 tional information and as necessary to protect
19 human health and the environment, the Adminis-
20 trator may impose additional requirements under ex-
21 isting Federal laws, including subsection (m)(1), or
22 defer management of such risks to other State or
23 Federal programs or authorities. Compliance with
24 any treatment standards promulgated pursuant to
25 subsection (m)(1) may be determined either prior to

1 management in, or after discharge from, a land-
2 based unit as part of a treatment system specified
3 in paragraph (7)(A).

4 “(9) Solid waste identified as hazardous based
5 on one or more characteristics alone shall not be
6 subject to this subsection, any prohibitions under
7 subsection (d), (e), or (f), or any requirement pro-
8 mulgated under subsection (m) if the waste no
9 longer exhibits a hazardous characteristic at the
10 point of injection in any Class I injection well regu-
11 lated under section 1422 of title XIV of the Public
12 Health Service Act (42 U.S.C. 300h-1).”.

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